

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4, 6-24, and 26-40 are pending in this case. The present amendment amends Claims 1, 7-9, 12-14, 19-21, 27-29, 32-34, 39, and 40 to address cosmetic matters of form. Claims 5 and 25 have been canceled without prejudice or disclaimer. No new matter has been added.

In the outstanding Office Action, the drawings and claims were objected to because of informalities; Claims 12-14 and 32-34 were rejected under 35 U.S.C. § 112, first paragraph; Claims 1-4, 6, 7, 9, 10, 18, 19, 21-24, 26, 27, 29, 30, 38 and 39 were rejected under 35 U.S.C. § 102(b) as anticipated by Dolivo et al. (U.S. Patent No. 4,571,734; hereinafter "Dolivo"); and Claims 8 and 28 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dolivo in view of Saito et al. (U.S. Patent No. 6,185,256; hereinafter "Saito").

Claims 5, 11, 25 and 31 were indicated as allowable if rewritten in independent form. Applicant acknowledges with appreciation the indication of allowable subject matter. In response, Claims 5 and 25 are rewritten in independent form as amended Claims 1 and 21. Accordingly, the rejections under 35 U.S.C. §§ 102 and 103 are moot.

In response to the objection to the drawings, Applicant has amended the specification at page 18, line 23. The words "an adder 31" has been changed to "an adder 31." Similarly, Applicant has amended the specification at page 19, line 13 by amending the words "adder 31" to recite "adder 31." Accordingly, Applicant respectfully requests the objection to the drawings be withdrawn.

In response to the objection to Claims 7-9 and 27-29, Applicant has amended the words "the metric" in these claims, to read "the first metric and the second metric" to provide

better clarity. Accordingly, Applicant respectfully requests the objection to Claims 7-9 and 27-29 be withdrawn.

In response to the objection to Claims 19, 20, 39 and 40 Applicant has amended the words "predetermined response" in these claims to read "partial response," to correct a typographical error. Accordingly, Applicant respectfully requests the objection to Claims 19, 20, 39 and 40 be withdrawn.

In response to the rejection of Claims 12-14 and 32-34 under 35 U.S.C. § 112, first paragraph, Applicant has amended these claims in order to provide greater clarity. Specifically, Applicant has, *inter alia*, deleted the words "pieces of" from the phrase "pieces of data." Accordingly, Applicant respectfully requests the rejection be withdrawn.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

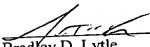
Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 1-4, 6-24 and 26-40, is patentably distinguished over the prior art, in condition for allowance, and such is respectfully requested at an early date.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)


Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Scott A. McKeown
Registration No. 42,866